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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRAVIS NUTSCH, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a Municipal Corporation;
OFFICER TIMOTHY NYE, an individual;
OFFICER GEORGE AJAM, an individual;
OFFICER GENE WOLFANGER, an
individual; OFFICER KELLEY FURNAS,
an individual; OFFICER ISRAEL CRUZ
CAMACHO, an individual; OFFICER
GABRIEL LEA, an individual; DOE
OFFICERS III-VII, individuals

Defendants.

Case No.: 2:23-cv-01101-JCM-MDC

**STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER DEADLINES**

(FIFTH REQUEST)

Plaintiff Travis Nutsch, by and through his respective counsel, and Defendants Las Vegas Metropolitan Police Department, Officer Timothy Nye, Officer George Ajam, and Officer Gene Wolfanger, Officer Kelly Furnas, Officer Israel Cruz Camacho, and Officer Gabriel Lea, (“LVMPD Defendants”), by and through their respective counsel (collectively “the Parties”), hereby stipulate and agree to extend the Discovery Plan and Scheduling Order deadlines an additional sixty (60) days. This Stipulation is being entered in good faith and not for purposes of delay. This is the fifth request for an extension in this matter.

1 **1. STATUS OF DISCOVERY.**

2 **A. PLAINTIFF'S DISCOVERY**

3 1. Plaintiff's Initial Disclosures and Production of Documents Pursuant to Fed.
4 R. Civ. P. 26.1, dated August 28, 2023.

5 2. Plaintiff's First Set of Requests for Production to Defendant Las Vegas
6 Metropolitan Police Department, dated October 12, 2023.

7 3. Plaintiff's First Set of Requests for Production to Defendants Doe Officers
8 III-VII, dated December 12, 2023.

9 4. Plaintiff's First Set of Requests for Production to Defendant Gabriel Lea,
10 dated December 12, 2023.

11 5. Plaintiff's First Set of Requests for Production to Defendant Gene
12 Wolfanger, dated December 12, 2023.

13 6. Plaintiff's First Set of Requests for Production to Defendant George Ajam,
14 dated December 12, 2023.

15 7. Plaintiff's First Set of Requests for Production to Defendant Israel Cruz
16 Camacho, dated December 12, 2023.

17 8. Plaintiff's First Set of Requests for Production to Defendant Kelley Furnas,
18 dated December 12, 2023.

19 9. Plaintiff's First Set of Requests for Production to Defendant Timothy Nye,
20 dated December 12, 2023.

21 10. Plaintiff's First Set of Requests for Admissions to Defendants Doe Officers
22 III-VII, dated December 12, 2023.

23 11. Plaintiff's First Set of Requests for Admissions to Defendant Gabriel Lea,
24 dated December 12, 2023.

25 12. Plaintiff's First Set of Requests for Admissions to Defendant Gene
26 Wolfanger, dated December 12, 2023.

27 13. Plaintiff's First Set of Requests for Admissions to Defendant George Ajam,
28 dated December 12, 2023.

1 14. Plaintiff's First Set of Requests for Admissions to Defendant Israel Cruz
2 Camacho, dated December 12, 2023.

3 15. Plaintiff's First Set of Requests for Admissions to Defendant Kelley Furnas,
4 dated December 12, 2023.

5 16. Plaintiff's First Set of Requests for Admissions to Defendant Timothy Nye,
6 dated December 12, 2023.

7 17. Plaintiff's First Set of Interrogatories to Defendants Doe Officers III-VII,
8 dated December 12, 2023.

9 18. Plaintiff's First Set of Interrogatories to Defendant Gabriel Lea, dated
10 December 12, 2023.

11 19. Plaintiff's First Set of Interrogatories to Defendant Gene Wolfanger, dated
12 December 12, 2023.

13 20. Plaintiff's First Set of Interrogatories to Defendant George Ajam, dated
14 December 12, 2023.

15 21. Plaintiff's First Set of Interrogatories to Defendant Israel Cruz Camacho,
16 dated December 12, 2023.

17 22. Plaintiff's First Set of Interrogatories to Defendant Kelley Furnas, dated
18 December 12, 2023.

19 23. Plaintiff's First Set of Interrogatories to Defendant Timothy Nye, dated
20 December 12, 2023.

21 24. Plaintiff's Responses to Defendant Gabriel Lea's First Set of
22 Interrogatories, dated May 29, 2024.

23 25. Plaintiff's Responses to Defendant Gene Wolfanger's First Set of
24 Interrogatories, dated May 29, 2024.

25 26. Plaintiff's Responses to Defendant George Ajam's First Set of
26 Interrogatories, dated May 29, 2024.

27 27. Plaintiff's Responses to Defendant Israel Cruz Camacho's First Set of
28 Interrogatories, dated May 29, 2024.

1 28. Plaintiff's Responses to Defendant Kelley Furnas's First Set of
2 Interrogatories, dated May 29, 2024.

3 29. Plaintiff's Responses to Defendant Timothy Nye's First Set of
4 Interrogatories, dated May 29, 2024.

5 30. Plaintiff's Responses to Defendant LVMPD's First Set of Interrogatories,
6 dated May 29, 2024.

7 31. Plaintiff's Responses to Defendant LVMPD's First Set of Requests for
8 Production of Documents, dated May 29, 2024.

9 **B. DEFENDANTS' DISCOVERY**

10 1. Defendants' Initial List of Witnesses and Documents Pursuant to Fed. R.
11 Civ. P. 26.1 dated August 30, 2023.

12 2. Defendant LVMPD's responses to Plaintiff's First Set of Requests for
13 Production of Documents, dated November 27, 2023.

14 3. Defendant Gabriel Lea's responses to Plaintiff's First Set of Requests for
15 Admission, dated January 25, 2024.

16 4. Defendant Gene Wolfanger's responses to Plaintiff's First Set of Requests
17 for Admission, dated January 25, 2024.

18 5. Defendant George Ajam's responses to Plaintiff's First Set of Requests for
19 Admission, dated January 25, 2024.

20 6. Defendant Israel Cruz Camacho's responses to Plaintiff's First Set of
21 Requests for Admission, dated January 25, 2024.

22 7. Defendant Kelly Furnas' responses to Plaintiff's First Set of Requests for
23 Admission, dated January 25, 2024.

24 8. Defendant Timothy Nye's responses to Plaintiff's First Set of Requests for
25 Admission, dated January 25, 2024.

26 9. Defendants Doe Officers III – VII's responses to Plaintiff's First Set of
27 Requests for Admission, dated January 25, 2024.
28

1 10. Defendant Gabriel Lea's responses to Plaintiff's First Set of Requests for
2 Production of Documents, dated January 31, 2024.

3 11. Defendant George Ajam's responses to Plaintiff's First Set of Requests for
4 Production of Documents, dated January 31, 2024.

5 12. Defendant Israel Cruz Camacho's responses to Plaintiff's First Set of
6 Requests for Production of Documents, dated January 31, 2024.

7 13. Defendant Timothy Nye's responses to Plaintiff's First Set of Requests for
8 Production of Documents, dated January 31, 2024.

9 14. Defendants Doe Officers III-VII's responses to Plaintiff's First Set of
10 Requests for Production of Documents, dated January 31, 2024.

11 15. Defendant Gabriel Lea's responses to Plaintiff's First Set of Interrogatories,
12 dated January 31, 2024.

13 16. Defendant George Ajam's responses to Plaintiff's First Set of
14 Interrogatories, dated January 31, 2024.

15 17. Defendant Israel Cruz Camacho's responses to Plaintiff's First Set of
16 Interrogatories, dated January 31, 2024.

17 18. Defendant Timothy Nye's responses to Plaintiff's First Set of
18 Interrogatories, dated January 31, 2024.

19 19. Defendants Doe Officers III – VII's responses to Plaintiff's First Set of
20 Interrogatories, dated January 31, 2024.

21 20. Defendant LVMPD's First Set of Interrogatories to Plaintiff, dated February
22 9, 2024.

23 21. Defendant LVMPD's First Set of Requests for Production to Plaintiff, dated
24 February 9, 2024.

25 22. Defendant Gabriel Lea's First Set of Interrogatories to Plaintiff, dated
26 February 9, 2024.

27 23. Defendant Gene Wolfanger's First Set of Interrogatories to Plaintiff, dated
28

February 9, 2024.

24. Defendant George Ajam's First Set of Interrogatories to Plaintiff, dated February 9, 2024.

25. Defendant Israel Cruz Camacho's First Set of Interrogatories to Plaintiff, dated February 9, 2024.

26. Defendant Kelly Furnas' First Set of Interrogatories to Plaintiff, dated February 9, 2024.

27. Defendant Timothy Nye's First Set of Interrogatories to Plaintiff, dated February 9, 2024.

2. DISCOVERY THAT REMAINS TO BE COMPLETED.

The Parties' primary remaining discovery tasks include: (1) addressing any remaining meet and confer issues and finishing written discovery; and (2) scheduling of depositions.

3. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.

This is the fourth request for an extension of discovery deadlines in this matter. The Parties request that the Discovery Plan and Scheduling Order deadlines be extended an additional sixty (60) days so that the Parties may complete the tasks above.

The Parties have been diligently conducting discovery, but an extension is needed to efficiently continue to conduct discovery, resolve issues or pursue meet and confer efforts, analyze the information provided, and manage the case. The Parties are resolving issues and meeting and conferring regarding related issues. Finally, the Parties together request this in good faith and to further the resolution of this complicated case on the merits, and not for any purpose of delay.

In addition to Plaintiffs' counsel's normal case load. Plaintiffs' counsel has faced multiple family health emergencies. Following the recent death of Mr. Wolpert's father in late May of 2024, Mr. Wolpert has had extensive family obligations as has Ms. McLetchie. Then, on July 28, 2024, Ms. McLetchie's mother passed away, requiring her to assist with

funeral arrangements and attend to her late mother's affairs and estate. The death has impeded Ms. McLetchie's ability to perform legal work on this and other matters.

It should also be noted that the other litigation between the same counsel involving similar issues can only benefit from the completion of discovery in this matter so that in other litigation, similar requests can be expedited and can further the resolution of those matters and the interests of justice. Finally, the Parties together request this in good faith and to further the resolution of this complicated case on the merits, and not for any purpose of delay.

There is thus good cause for the extension. "Good cause to extend a discovery deadline exists 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'" *Derosa v. Blood Sys., Inc.*, No. 2:13-cv-0137-JCM-NJK, 2013 U.S. Dist. LEXIS 108235, 2013 WL 3975764, at 1 (D. Nev. Aug. 1, 2013) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)); *see also* Fed. R. Civ. P. 1 (providing that the Rules of Civil Procedure "should be construed, administered, and employed by the court and the Parties to secure the just, speedy, and inexpensive determination of every action and proceeding"). The Parties have been diligent in litigating this matter. Thus, the standard to extend all deadlines is satisfied here.

Based on the foregoing stipulation and proposed deadlines plan, the Parties thus respectfully request an extension of time to extend the discovery in this matter to enable to them to conduct necessary discovery in this matter and so that this matter is fairly resolved on the merits.

4. **PROPOSED SCHEDULE FOR REMAINING DEADLINES**

Deadline	Current Deadline (ECF No. 20)	Proposed New Deadline
Amend Pleadings and Add Parties	Passed	unchanged
Initial Expert Disclosures	Passed	unchanged
Rebuttal Expert Disclosures	Passed	unchanged

Discovery Cut-Off	September 9, 2024	November 8, 2024
Dispositive Motions	October 8, 2024	December 9, 2024¹
Joint Pretrial Order	November 8, 2024	January 7, 2025²

Based on the foregoing stipulation and proposed deadlines plan, the Parties request that the Discovery Plan and Scheduling Order deadlines be extended an additional sixty (60) days so that the parties may conduct necessary discovery.

IT IS SO STIPULATED.

Dated this 9th day of August, 2024.

Dated this 9th day of August, 2024.

MCLETCHIE LAW

MARQUIS AURBACH

By: /s/ Leo S. Wolpert

By: /s/ Nick D. Crosby

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ORDER

IT IS SO ORDERED.


 Hon. Maximiliano D. Couvillier III
 United States Magistrate Judge
 Date: 8/12/2024

¹ 60 days from October 8, 2024 is Saturday, December 7, 2024.

² If dispositive motions are filed, the deadline shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.